

(323) 881-2401

January 2, 2003

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**RESOLUTION DECLARING HAZARDOUS BRUSH, DRY GRASS,
WEEDS, AND COMBUSTIBLE GROWTH OR FLAMMABLE
VEGETATION, TO INCLUDE NATIVE AND ORNAMENTAL VEGETATION,
IN LOS ANGELES COUNTY A PUBLIC NUISANCE**

**(ALL DISTRICTS)
(3-VOTES)**

IT IS RECOMMENDED THAT YOUR BOARD:

1. Adopt the attached resolution declaring improved properties as a public nuisance and establishing the following dates and times for Hearing of Protests by the Brush Clearance Referee: February 18, 2003, meeting at 9:30 a.m. in the conference room of the Agricultural Commissioner, located at 12300 Lower Azusa Road, Arcadia, and February 19, 2003, at 9:30 a.m. in the Antelope Valley at 335A E. Avenue K-6, Lancaster.
2. Set March 25, 2003, at 9:30 a.m. as the date and time for hearing on the Brush Clearance Referee's Report to abate hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, on improved parcels.

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PURPOSE OF RECOMMENDED ACTION:

Enclosed is the annually required resolution declaring hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, in Los Angeles County a public nuisance. Declared improved properties will be inspected by the County of Los Angeles Fire Department to verify that said hazardous brush, dry grass, weeds, and combustible growth have attained such a growth as to become a fire menace to the parcel or adjacent improved properties or are otherwise noxious or dangerous.

JUSTIFICATION:

Improved properties, found by inspection to be overgrown with weeds and brush, are declared to be a potential or existing hazard.

1. Said hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, has attained such a growth as to become a fire menace to the parcel or adjacent improved properties or are otherwise noxious or dangerous.
2. The County of Los Angeles has a duty to protect the public safety and to take any and all actions necessary to abate a public nuisance.

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FISCAL IMPACT:

There are no net County costs.

FINANCING:

The County of Los Angeles Fire Department will assess charges directly to private property owners of declared improved parcels if they fail to comply with two official notices to abate hazards that constitute a public nuisance as identified by the County of Los Angeles Fire Department. Private property owners of declared improved parcels receive their first notice via the Fire Department's "Improved Property Annual Brush Clearance Notice" which is mailed in early February. Their second notice is given via the Fire Department's "Official Inspection Report" which is issued when the local fire station conducts its annual inspection of the property. Costs for abatement enforcement services beyond the annual inspection program are recovered by assessments. The Auditor-Controller certified the abatement enforcement cost of \$231 per parcel when it was established in 1996. The assessment amount has not been increased since it was established and based on the 185 non-compliant parcels found in 2002, the estimated cost recovery when reported to and confirmed by the Board of Supervisors will be \$42,735.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS:

Notices to destroy hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, will be mailed to the owners of declared improved properties in the form required by Section 14892 of the California Health and Safety Code after your Board approval. An affidavit of mailing will be returned to your Board when the mailing of notices as provided in Section 14896 of the Health and Safety Code has been completed. After the notices have been mailed, public hearings will be held in Arcadia and the Antelope Valley, where owners of improved property, with objections or questions, will be heard and given due consideration. A summary of the concerns and questions of the improved property owners will be

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submitted in the Brush Clearance Referee's Report to the Board of Supervisors prior to the public hearing at the end of March.

IMPACTS ON CURRENT SERVICES:

There are no impacts on current services.

Very truly yours,

P. MICHAEL FREEMAN

PMF:jt

Enclosures

c: Chief Administrative Officer
County Counsel
Agricultural Commissioner/Weights and Measures

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF LOS ANGELES
DECLARING PUBLIC NUISANCE**

WHEREAS, hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, where growing upon or in front of improved real property often attain such growth as to become, when dry, a fire menace to the improved real property or adjacent improved parcels, or which are otherwise noxious or dangerous; and

WHEREAS, the presence of hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, upon or in front of improved real property, are conditions which endanger the public safety and constitute a public nuisance and therefore must be abated; and

WHEREAS, the County of Los Angeles has a duty to protect the public safety and to take any and all actions necessary to abate the above described public nuisance; and

WHEREAS, the County of Los Angeles Fire Department will conduct annual inspections to verify existing hazards and public nuisances of hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, upon the hereinafter identified real property; and

WHEREAS, Part 5, Division 12 of the California Health and Safety Code (Sections 14875 through 14922, inclusive), authorizes the Board of Supervisors, by resolution, to declare a public nuisance and to authorize the abatement thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF
THE COUNTY OF LOS ANGELES AS FOLLOWS:

SECTION 1. Board Findings. The Board of Supervisors of the County of Los Angeles hereby finds that hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, upon and in front of each parcel of real property hereinafter described in Exhibit 1 (collectively the "Real Property"), as verified by inspection by the County of Los Angeles Fire Department are hereby declared to be a public nuisance which must be abated.

SECTION 2. Notice. (a) The Fire Chief of the County of Los Angeles Fire Department (the "Chief") is hereby designated, authorized and directed to give notice to destroy hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, upon and in front of the Real Property.

(b) Not less than 10 days prior to the 18th of February, 2003, the Chief shall cause notice to be given to each Real Property owner by mail as their names and residential addresses appear from the last equalized assessment roll, or as they are known to the Assessor, and said notice shall be substantially in the form as provided in Exhibit 2 of this resolution.

(c) Hearing. On Tuesday, the 18th of February, 2003, at the hour of 9:30 a.m., in the conference room of the Agricultural Commissioner/Weights and Measures, located at 12300 Lower Azusa Road, Arcadia, California, and Wednesday, the 19th of February, 2003, at the hour of 9:30 a.m. in the Antelope Valley at 335A E. Avenue K-6, Lancaster, are fixed by this Board as the dates, times and places when and where any and all owners of Real Property having any objections to the proposed removal of hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, may appear before the Brush Clearance Referee and show cause why said hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, including native and ornamental vegetation, should not be removed in accordance with this resolution. The objections of the Real Property owners will then and there be heard and given due consideration. Physical inspection and further notice by the County of Los Angeles Fire Department will be conducted prior to the initiation of

any clearance activities.

SECTION 3. Recovery of Costs. (a) The Chief is hereby authorized and directed to recover abatement enforcement costs of \$231 per parcel for all Real Property when the owner fails to comply with the second official notice to abate hazards on the Real Property described in Exhibit 1 and identified during physical inspection by the County of Los Angeles Fire Department. The recovery of these costs is vital to the ongoing operation governing the identification and abatement of those properties that constitute a public nuisance and endanger the public safety.

(b) The owners of the Real Property, upon or in front of which the public nuisance exists, shall be presented, both in writing and during the above referenced hearing before the Brush Clearance Referee, with information regarding the cost of inspection and abatement enforcement.

The foregoing resolution was adopted on the _____ day of _____, 2003, by the Board of Supervisors of the County of Los Angeles and ex officio the governing body of all special assessment and taxing districts, agencies and authorities for which said Board so acts.

VIOLET VARONA-LUKENS
EXECUTIVE OFFICER-CLERK
of the Board of Supervisors of the County of Los Angeles

By _____

Deputy

APPROVED AS TO FORM:

LLOYD W. PELLMAN
COUNTY COUNSEL

By _____
Deputy

EXHIBIT 1

DESCRIPTION OF PROPERTIES

In accordance with Part 5, Division 12 of the California Health and Safety Code (commencing with Section 14875), the Real Property, upon or in front of which a nuisance exists, are described in the attached Declaration List of Properties which is on file in the Executive Office of the Board of Supervisors.

EXHIBIT 2

NOTICE TO DESTROY HAZARDOUS BRUSH, DRY GRASS, WEEDS, AND COMBUSTIBLE GROWTH OR FLAMMABLE VEGETATION, TO INCLUDE NATIVE AND ORNAMENTAL VEGETATION

NOTICE IS HEREBY GIVEN THAT ON the 14th of January, 2003 the Board of Supervisors of the County of Los Angeles passed a resolution declaring that hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, to include native and ornamental vegetation, where growing upon or in front of certain improved real property as specifically described by parcel number in the resolution, to be a potential fire hazard or nuisance which, upon inspection by the County of Los Angeles Fire Department is verified to be an existing hazard or public nuisance and violation of the County of Los Angeles Fire

Code (Fire Code) pertaining to clearance of brush and vegetative growth. This brush and vegetative growth must be removed and the public nuisance abated by the owner, or the County authorities will abate the public nuisance and the cost of removal assessed upon the parcel, and such cost will constitute a lien upon the parcel. The Board of Supervisors authorized and directed the County of Los Angeles Fire Department to recover their costs related to the enforcement of the Fire Code. Parcel owners having objection to the removal of brush, dry grass, weeds, combustible growth or flammable vegetation, including native and ornamental vegetation, are hereby notified that they may attend a hearing with the Brush Clearance Referee as follows: (1) at 12300 Lower Azusa Road, Arcadia, CA 91006 on Tuesday, February 18, 2003 at 9:30 A.M., or (2) in the Antelope Valley at the Los Angeles County Administrative Building, 335A East Avenue K-6, Lancaster, CA 93535, on Wednesday, February 19, 2003 at 9:30 A.M. Objections, which are not resolved, will be sent before the Board of Supervisors, where they will be heard and given due consideration. If the parcel owner does not want to present objections to the proposed removal of hazardous brush, dry grass, weeds, and combustible growth or flammable vegetation, including native and ornamental vegetation, or the recovery of enforcement and abatement costs, he/she need not appear at the above mentioned hearing(s).